

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

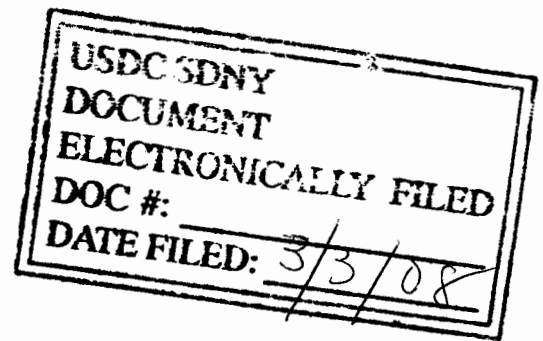
SHEPHERD INVESTMENTS
INTERNATIONAL, LTD.,

Plaintiff,

v.

PAINCARE HOLDINGS, INC.,

Defendant.



Civil Action No. 07-CIV 9836 (SAS)

**ORDER GRANTING SUMMARY
JUDGMENT**

WHEREAS, Plaintiff Shepherd Investments International, Ltd. ("Shepherd"), has moved the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56 for an order granting summary judgment in favor of Shepherd with respect to the claims for relief set forth in its Complaint filed on November 6, 2007;

WHEREAS, the Court ordered, at the pretrial conference held on January 16, 2008, that Defendant PainCare Holdings, Inc. ("PainCare"), must file and serve any opposition papers to Shepherd's Motion for Summary Judgment no later than February 22, 2008;

WHEREAS, PainCare has not opposed Shepherd's Motion for Summary Judgment, nor disputed any material fact contained in Shepherd's Local Rule 56.1 Statement of Undisputed Material Fact; and

WHEREAS, the Court has considered the submissions of Shepherd on the motion;

IT IS HEREBY ORDERED that:

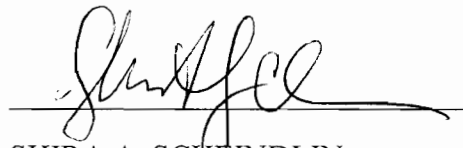
(1) Shepherd's Motion for Summary Judgment is GRANTED in its entirety;

(2) Without prejudice to Shepherd's right to later seek costs and attorney's fees in this action, Shepherd is awarded \$538,514, consisting of the following components: (a) liquidated damages in the amount of \$465,000; and (b) interest at the rate of 1% per month on all unpaid liquidated in the amount of \$73,514.

The clerk is directed to close this motion [docket # 10] and this case.

SO ORDERED:

Dated: New York, New York
March 3, 2008


SHIRA A. SCHEINDLIN
U.S.D.J.